IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 207 of 1993

Date of decision: 13/04/2005

MUNIRKHAN M PATHAN & OTHERS

Versus

TARLIKABEN WD/O.SAMIR M TRIPATHI & OTHERS

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?
Appearance:
1. First Appeal No. 207 of 1993
MR RAJNI H MEHTA for Appellant No.
MR PV NANAVATI for Respondent No. 1

PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

Joint appeal by the owner, driver and Insurance Company is not maintainable, therefore, owner and driver have been transposed as respondents leaving the Insurance Co., sole appellant, which cannot maintain this appeal on negligence and quantum of compensation. Reference to the order passed by the Division Bench in Civil Application No. 1267 of 1993 would hardly make any difference to the conclusion aforesaid when joint appeal having been filed by insured, insurer and driver. So question of inference of collusion , allowing application under section 170 of the Motor Vehicles Act, 1988 would not arise, more so,

India Ins. Co. Ltd. and Anr. 2004 ACJ 448].

Whether reporters of Local Papers may be allowed to see the Judgment?

Consequently, appeal is dismissed as not maintainable leaving the parties to bear their own costs of this Court.

[BHAWANI SINGH]
CHIEF JUSTICE

[H.K.RATHOD]
JUDGE

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